

Translation

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PCT/IB2003/003238

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B-30-420-PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IB2003/003238	International filing date (day/month/year) 14 juillet 2003 (14.07.2003)	Priority date (day/month/year) 02 août 2002 (02.08.2002)
International Patent Classification (IPC) or national classification and IPC G04B 37/14		
Applicant EPSTEIN, Andreas		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 01 mars 2004 (01.03.2004)	Date of completion of this report 31 January 2005 (31.01.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed

☒ the description:

pages 1-7, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the claims:

pages 1-13, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the drawings:

pages 1/3-3/3, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	6, 11	YES
	Claims	1-5, 7-10, 12, 13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: CH 349222
D2: CH 516187
D3: US6350055
D4: GB1026642
D5: FR1258781

1. The present application does not meet the requirements of PCT Article 33(1) since the subject matter of claim 1 does not involve an inventive step (PCT Article 33(3)).

1.1 D1, which is considered the prior art closest to the subject matter of claim 1, describes (the references in brackets are to that document; see figures 1 and 2, and page 2, lines 18 to 57, of the description): a watch comprising a casing (1), at least one fastening device (18) and a device connecting the two ends of the fastening device to the casing, the device consisting of at least one elongate flexible element (17) arranged to hold the fastening device (18) against the casing, the elongate flexible element (17) delimiting with the ends of the

fastening device a complete loop (interpreted according to the application description, page 2, lines 15 to 17) into which the casing can be inserted and held by contact with the flexible element over the periphery thereof.

- 1.2 Therefore the subject matter of claim 1 differs from the known watch in that the device connecting the two ends of the fastening device to the casing also comprises two supports which are supported against the casing.
- 1.3 The problem addressed by the present invention can thus be considered that of securing the casing against lateral and vertical movement.
- 1.4 For the following reasons, the solution proposed in claim 1 of the present application is not considered inventive (PCT Article 33(3)): D1 already mentions a support equivalent to the claimed support, namely the recess in the element shown in figure 5 (corresponding to reference sign 15) and forming with the surfaces (11) (figure 1) and (15) (figure 5) a support having the same function as the claimed support.
- 1.5 Furthermore, equivalent or separate supports are well known in the art; see, in particular, D3 (figure 1: the support is incorporated in the casing), D4 (support (4), figure 1) and D5 (support (2), figure 1). The aim of these supports is to form a connection between the casing and the bracelet and to secure the casing against lateral and vertical movement, as disclosed in the application description, page 4, paragraph 8, and page 5, lines

4 and 5. Since the problem solved is the same, the subject matter of claim 1 lacks an inventive step.

2. The same argument applies *mutatis mutandis* to the subject matter of independent claim 12, which is not inventive either.
3. The combination of features in claims 6 and 11 does not appear in the prior art and cannot be derived therefrom in an obvious manner for the following reasons: the problem of assembling the bracelet on the two sides of the casing relative to its centre plane does not appear to be known in the prior art.

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VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

4. If claim 13 is interpreted as referring to the fastening device of claim 12 (see also the objection in point 5.5 below), its subject matter no longer complies with PCT Article 34(2)(b) since it goes beyond the scope of the application as filed.

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- 5.1 In claim 3, the bracelet is mentioned for the first time, using the same reference sign (7) already used for the fastening device, contrary to the requirements of PCT Article 6 and PCT Rule 11.13(1). The claim should specify that the bracelet is an embodiment of the fastening device.
- 5.2 Claim 4 is unclear (PCT Article 6). The profiled part is not clearly defined; in particular, the term "inner" bears no relation to the other elements of the watch. Reference signs enabling this element to be identified in the drawings are also lacking.
- 5.3 In claim 11 it would appear more appropriate to talk of a centre plane rather than of a centre line (see the figures and description in the application).
- 5.4 In claim 12, line 2, the [French] term "constitués" should be "constituée".
- 5.5 It is not clear whether the reference to claims 11 and 12 in independent claim 13 concerns both claims or just one of them.

Moreover, claim 12 does not concern a watch and thus the reference to this claim is meaningless.